

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Nazomi Communications, Inc.,

Plaintiff,

v.

Civil Action No. _____

Nokia Corporation, Nokia Inc., Microsoft
Corporation, Amazon.com, Inc., Western
Digital Corporation, Western Digital
Technologies, Inc., Garmin Ltd., Garmin
Corporation, Garmin International, Inc.,
Garmin USA, Inc., Sling Media, Inc.,
VIZIO, Inc., Iomega Corporation

Defendants.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Nazomi Communications, Inc. ("Nazomi"), by and through its undersigned
counsel, complains as follows:

THE PARTIES

1. Plaintiff Nazomi Communications, Inc. is a corporation organized and existing
under the laws of the State of Delaware with its principal place of business at 3561 Homestead
Road, Suite 571, Santa Clara, California 95051.

2. Upon information and belief, Defendant Nokia Corporation is incorporated under
the laws of Finland and has its principal place of business at Keilalahdenti 4, Espoo, Finland.

3. Upon information and belief, Defendant Nokia Inc. is a corporation organized and
existing under the laws of the State of Delaware with its principal place of business at 6000
Connection Drive, Irving, Texas 75039.

4. Upon information and belief, Defendant Microsoft is a corporation organized and
existing under the laws of the State of Washington with its principal place of business at One
Microsoft Way, Redmond, Washington 98052.

5. Upon information and belief, Defendant Amazon.com, Inc. is a corporation

1 organized and existing under the laws of the State of Delaware with its principal place of business
2 at 1200 12th Avenue South, Suite 1200, Seattle, Washington 98144.

3 6. Upon information and belief, Defendant Western Digital Corporation is a
4 corporation organized and existing under the laws of the State of Delaware with its principal
5 place of business at 20511 Lake Forest Drive, Lake Forest, CA 92630.

6 7. Upon information and belief, Defendant Western Digital Technologies, Inc. is a
7 corporation organized and existing under the laws of the State of Delaware with its principal
8 place of business at 20511 Lake Forest Drive, Lake Forest, CA 92630.

9 8. Upon information and belief, Defendant Garmin Ltd. is a corporation organized
10 and existing under the laws of the Cayman Islands with its principal place of business at Suite
11 3206B, 45 Market Street, Gardenia Court, Camana Bay, Cayman Islands.

12 9. Upon information and belief, Defendant Garmin Corporation is a corporation
13 organized and existing under the laws of Taiwan with its principal place of business at No 68,
14 Jangshu 2nd Road, Sijhih, Taipei County, Taiwan.

15 10. Upon information and belief, Defendant Garmin International, Inc. is a corporation
16 organized and existing under the laws of the State of Kansas with its principal place of business at
17 1200 East 151st Street, Olathe, Kansas 66062.

18 11. Upon information and belief, Defendant Garmin USA, Inc. is a corporation
19 organized and existing under the laws of the State of Kansas with its principal place of business at
20 1200 East 151st Street, Olathe, Kansas 66062.

21 12. Upon information and belief, Defendant Sling Media, Inc. is a corporation
22 organized and existing under the laws of the State of Delaware with its principal place of business
23 at 1051 E. Hillsdale Blvd, Suite 500, Foster City, CA 94404. Sling Media, Inc. is a wholly
24 owned subsidiary of EchoStar Corporation.

25 13. Upon information and belief, Defendant VIZIO, Inc. is a corporation organized
26 and existing under the laws of the State of California with its principal place of business at 39
27 Tesla, Irvine, CA 92618.

28 14. Upon information and belief, Defendant Iomega Corporation is a corporation

1 organized and existing under the laws of the State of Delaware with its principal place of business
2 at 3721 Valley Centre Drive, Suite 200, San Diego, CA 92130.

3 **JURISDICTION AND VENUE**

4 15. This action arises under the patent laws of the United States, Title 35 of the United
5 States Code, including but not limited to 35 U.S.C. § 271.

6 16. This Court has subject matter jurisdiction over patent infringement pursuant to 28
7 U.S.C. §§ 1331 and 1338(a).

8 17. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c),
9 and 1400(b).

10 **BACKGROUND**

11 18. Nazomi Communications, Inc. was founded in September 1998 by three Java
12 technology and embedded systems veterans for the purpose of enhancing the performance of
13 applications that run on the Java platform and other universal runtime platforms. Nazomi's
14 pioneering technologies included the JSTAR Java Coprocessor technology and the JA108 Java
15 and Multimedia Application Processor, which were targeted at wireless mobile devices, internet
16 appliances, and embedded systems. Nazomi's technology and products were adopted by leading
17 phone manufacturers and incorporated into millions of smart phones. In the years since Nazomi's
18 introduction of the JSTAR and JA108 products, Java hardware acceleration has been widely
19 adopted for wireless mobile and embedded systems applications. Java is now used as a platform
20 on hundreds of millions of devices.

21 19. On July 18, 2006, the United States Patent and Trademark Office duly and legally
22 issued United States Patent No. 7,080,362 entitled "Java virtual machine hardware for RISC and
23 CISC processors" ("the '362 patent"). A true and correct copy of the '362 patent is attached as
24 Exhibit 1.

25 20. On May 29, 2007, the United States Patent and Trademark Office duly and legally
26 issued United States Patent No. 7,225,436 entitled "Java hardware accelerator using microcode
27 engine" ("the '436 patent"). A true and correct copy of the '436 patent is attached as Exhibit 2.

28 21. Nazomi is the owner and possessor of all rights, title, and interest in the '362 and

1 '436 patents.

2 22. Each of the Defendants sell consumer electronics products containing processor
3 cores capable of Java hardware acceleration.

4 23. Defendants Nokia Corporation and Nokia Inc. make, use, sell, and/or offer for sale
5 within the United States and this judicial district the Nokia 770 internet tablet. Upon information
6 and belief, the Nokia 770 internet tablet incorporates an ARM926TEJ processor core capable of
7 Java hardware acceleration.

8 24. Defendant Microsoft Corporation makes, uses, sells, and/or offers for sale within
9 the United States and this judicial district the Microsoft Zune personal music player. Upon
10 information and belief, the Microsoft Zune personal music player incorporates an ARM1136JF-S
11 processor core capable of Java hardware acceleration.

12 25. Defendant Amazon.com, Inc. makes, uses, sells, and/or offers for sale within the
13 United States and this judicial district the Kindle 2 eReader. Upon information and belief, the
14 Kindle 2 eReader incorporates an ARM1136JF-S processor core capable of Java hardware
15 acceleration.

16 26. Defendants Western Digital Corporation and Western Digital Technologies, Inc.
17 make, use, sell, and/or offer for sale within the United States and this judicial district the My
18 Book World Edition network-attached storage device. Upon information and belief, the My Book
19 World Edition network-attached storage device incorporates an ARM926EJ-S processor core
20 capable of Java hardware acceleration.

21 27. Defendants Garmin Ltd., Garmin Corporation, Garmin International, Inc., and
22 Garmin USA, Inc. make, use, sell, and/or offer for sale within the United States and this judicial
23 district the Nuvi 205 personal navigation device. Upon information and belief, the Nuvi 205
24 incorporates an ARM926J processor core capable of Java hardware acceleration.

25 28. Defendant Sling Media, Inc. makes, uses, sells, and/or offers for sale within the
26 United States and this judicial district the Slingbox Pro-HD remote personal video recorder.
27 Upon information and belief, the Slingbox Pro-HD incorporates an ARM926EJ-S processor core
28 capable of Java hardware acceleration.

1 conduct.

2 38. The infringement by Defendants of the '436 patent has injured Plaintiff and will
3 cause irreparable injury and damage in the future unless Defendants are enjoined from infringing
4 the '436 patent.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Nazomi prays for judgment against all Defendants as follows:

7 a) That the Court find that Defendants have each knowingly and willfully infringed
8 and are each presently infringing, directly or indirectly, United States Patent Nos. 7,080,362 and
9 7,225,436;

10 b) That the Court find the '362 and '436 patents valid and enforceable;

11 c) That the Court award Nazomi damages or other monetary relief, including
12 prejudgment interest, for Defendants' infringement;

13 d) That the Court treble the damages awarded to Nazomi as provided by 35 U.S.C. §
14 284;

15 e) That the Court find this to be an exceptional case entitling Nazomi to an award of
16 attorney's fees, expenses, and costs pursuant to 35 U.S.C. § 285;

17 f) That the Court enjoin Defendants and their officers, directors, agents, and
18 employees, from infringing, directly or indirectly, the '362 and '436 patents;

19 g) That the Court award Nazomi such other and further relief as the Court deems just
20 and appropriate.

21 **DEMAND FOR JURY TRIAL**

22 Plaintiff respectfully requests a jury trial on all issues so triable.
23
24
25
26
27
28

1 Dated: December 7, 2009

Respectfully submitted,

2 /s/ Trey Yarbrough

3 Trey Yarbrough
4 Texas Bar No. 22133500
YARBROUGH ♦ WILCOX, PLLC
5 100 E. Ferguson, Suite 1015
Tyler, Texas 75702
6 Telephone: (903) 595-3111
Facsimile: (903) 595-0191
7 trey@yw-lawfirm.com

8 ATTORNEY FOR PLAINTIFF NAZOMI
COMMUNICATIONS, INC.

9
10 Of Counsel:

11 COOLEY GODWARD KRONISH LLP

12 Thomas J. Friel (CA 80065)
13 Iain R. Cunningham (CA 232357)
Erica C. Tierney (CA 253557)
14 Five Palo Alto Square
3000 El Camino Real
15 Palo Alto, CA 94306-2155
Telephone: (650) 843-5000
Facsimile: (650) 857-0663
16 tfriel@cooley.com
17 icunningham@cooley.com
etierney@cooley.com

18 James P. Brogan (CO 32573)
19 Wayne O. Stacy (CO 32716)
380 Interlocken Crescent, Suite 900
20 Broomfield, CO 80021-8023
Telephone: (720) 566-4000
Facsimile: (720) 566-4099
21 jbrogan@cooley.com
22 wstacy@cooley.com

23 Attorneys for Plaintiff
NAZOMI COMMUNICATIONS, INC.

24 804031 v4/PA
25
26
27
28